

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. MJ09-398
v.)
BRANDINE PHILLIPS,) DETENTION ORDER
Defendant.)

Offense charged:

Count 1: POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B).

Date of Detention Hearing: August 7, 2009

18 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
19 based upon the factual findings and statement of reasons for detention hereafter set forth,
20 finds:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that defendant is a flight risk and a danger to the community based on the nature of the pending charges. Application of the presumption is appropriate in this case.

25 || (2) Defendant has no ties to this jurisdiction.

26 (3) Statements defendant made to Pretrial Services and with Customs' Officers

01 are not consistent with the evidence proffered at the hearing.

02 (4) The evidence against the defendant, although the least important 18 U.S.C. §
03 3142(g) detention factor, is strong. Defendant was arrested with \$2.3 million worth of
04 marijuana. In addition, based on the complaint, her activities are inconsistent with simply
05 being an unknowing participant.

06 . (5) Defendant has no incentive to appear for charges.

07 (6) Defendant poses a substantial risk of non-appearance.

08 (7) There are no conditions or combination of conditions other than detention that
09 will reasonably ensure the appearance of the defendant.

10 IT IS THEREFORE ORDERED:

11 (1) Defendant shall be detained pending trial and committed to the custody of the
12 Attorney General for confinement in a correctional facility separate, to the extent practicable,
13 from persons awaiting or serving sentences or being held in custody pending appeal;

14 (2) Defendant shall be afforded reasonable opportunity for private consultation
15 with counsel;

16 (3) On order of a court of the United States or on request of an attorney for the
17 government, the person in charge of the corrections facility in which defendant is confined
18 shall deliver the defendant to a United States Marshal for the purpose of an appearance in
19 connection with a court proceeding; and

20 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
21 counsel for the defendant, to the United States Marshal, and to the United States Pretrial
22 Services Officer.

23 DATED this 7th day of August, 2009.

24 
25 JAMES P. DONOHUE
26 United States Magistrate Judge